

IN THE CIRCUIT COURT OF THE 17TH
JUDICIAL CIRCUIT, IN AND FOR
BROWARD COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff

CASE :08- 22681 CF 10 A

VS

JUDGE: DALE COHEN

LEON BUTLER
Defendant

SWORN MOTION TO RECUSE JUDGE AND ASSIGN NEW DIVISION

COMES NOW , the Defendant, LEON BUTLER by and through the undersigned Attorney who files this sworn Motion to Recuse the Trial Judge pursuant to Florida Rules of Judicial administration rule 2.160 and get case assigned to new Division and as grounds would state the following:

- 1 The defendant was arrested and formally charged by the Office of the Broward States Attorney with a felony.
- 2 The defendants case was randomly assigned to the Honorable Judge Dale Cohen .
- 3 The undersigned Counsel was retained to represent the defendant in the above matter
- 4 While the above case was pending the undersigned Counsel began to work as an active fund raiser, and speaker on behalf of the Honorable Judge Pedro Dijols retention campaign
- 5 In fact prior to the fund raiser for Judge Dijols at the law office of the undersigned Counsel, the undersigned received a telephone call from Mardi Cohen who was running under the name of Mardi Levey.
- 6 During this telephone conversation Ms Cohen threatened that the fund raiser information posted by the undersigned was in violation of election rules and that the undersigned was making a big mistake .
- 7 Judge Dijols was being challenged by Bernard Bober and Mardi Levey Cohen,

E

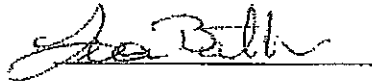
- wife of the Judge Dale Cohen who was running under the name of Mardi Levey
- 8 The election results were so close as to require a hand recount by the Broward County canvassing board.
- 9 After the recount the undersigned began his research along with other Attorneys to file a lawsuit against Mardi Levey, the wife of the defendant as to her qualifications to run for Judge
- 10 The undersigned at this point in time was and is still acting as an attorney for the Honorable Judge Pedro Dijols
- 11 While the recount was going on the Honorable Judge Dale Cohen appeared at the recount on behalf of his wife
- 12 After the Broward supervisor of elections certified the election, the undersigned Counsel conferred with Attorney William Scherer as to the lawsuit to be filed against Mardi Levey.
- 13 The defendant was clearly acting in this Capacity against the interest of the wife of the Honorable Judge Dale Cohen
- 14 The lawsuit was ultimately filed against Mardi Levey and the Broward supervisor of elections to have Mardi Levey disqualified from the ballot
- 15 The lawsuit also mentioned the involvement of the Honorable Judge Dale Cohen who was present during the recount on behalf of his wife.
- 16 The undersigned was also on August 6, 2009 called before the Honorable Dale Cohen who questioned the truthfulness and veracity of earlier recusal motions.
- 17 Judge Cohen conducted a hearing in which he called his Wife as a witness to challenge the credibility of the undersigned counsel.
- 18 This hearing was conducted in an effort to embarrass or intimidate the undersigned attorney who Judge Dale Cohen's wife is aware is working for the election of a candidate being challenged by her.
- 19 The undersigned counsel has conferred with the defendant as to the above situation and the undersigned's involvement in the lawsuit and the accusations in it against the trial court Judge Dale Cohen and his wife Mardi Levey along with the information about the hearing conducted by the Honorable Dale Cohen on August

6, 2009.

- 19 In McQueen v. Roy 785 So. 2nd 512 (Fla 3rd DCA 2000) the court stated that a
recusal was appropriate where one of the parties had dealings with a relative of the
Court.
- 20 The defendant was advised of the above facts and it's possible complications
- 21 That based on the above facts and above mentioned bias of the Trial court , the
defendant believes he will not receive a fair trial and impartial trial from the trial
court.

And that based on the above the Defendant prays this Honorable court grant this Motion

I, LEON BUTLER, have read the above and swear that it is true and accurate to the best
of my ability and is made in good faith.

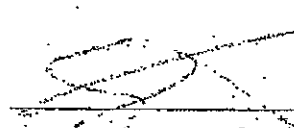


LEON BUTLER

State of Florida

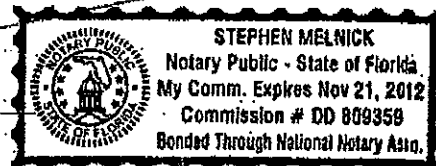
County of Broward

The forgoing instrument was acknowledged before me this 28 day of Aug 2009 by LEON
BUTLER who is personally known to me and who did take an oath, says that he executed the
forgoing sworn motion to disqualify the court and is true and correct.



Notary Public

My Commission Expires:



I hereby certify that the above Motion and statement of ROSENDO LOUIS are made in good
faith.



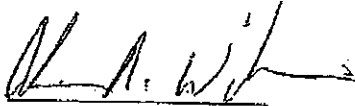
Stephen Melnick

FL :0794252

State of Florida

County of Broward

The forgoing instrument was acknowledged before me this 28th day of August, 2009 by Stephen Melnick who is personally known by me and who did take an oath and says that the executed forgoing Motion to Disqualify the Court is true and accurate.



Notary Public

My Commission Expires"



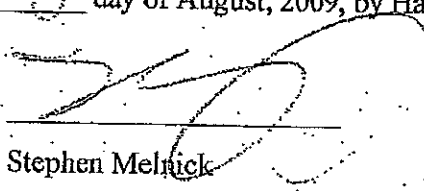
ALAN M. WILLIAMS
MY COMMISSION # DD 787134
EXPIRES: May 25, 2012
Bonded Thru Budget Notary Services

Respectfully Submitted,

Stephen Melnick

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the forgoing Motion was served upon Broward County States Attorneys Office this 28 day of August, 2009, by Hand delivery.



Stephen Melnick

629 South East 5th ave

Ft Lauderdale, Fla 33301

FL bar # 794252

(954) 462-7234